

REMARKS

Applicants acknowledge receipt of the office action dated December 28, 2007, in which the Examiner objected to the information disclosure statement; objected to the drawings; objected to claims 10 and 17; rejected claims 1-3 and 7-18 as anticipated by US 5141063 to Quesenbury; and rejected claims 1, 4-7, 9, 17 and 19 as anticipated by US 2857141 to Carpenter.

Applicants have amended the claims and respectfully submit that the claims are patentable for the following reasons.

Objected to the information disclosure statement

Applicant agrees that reference WO 02/07994 does not pertain to the present case and notes that it was inadvertently submitted.

Objection to the drawings

The use of reference numeral "3" in the specification was in error. Applicant has amended the specification to replace it with "10," which is the reference numeral used elsewhere to refer to the rock cutters.

Objection to claims 10 and 17

Claims 10 and 17 have been amended to correct the informalities noted by the Examiner.

Rejection of claims 1-3 and 7-18 as anticipated by US 5141063 to Quesenbury

Claims 1 and 9 have been amended to recite that each protection member is "sufficiently wear-resistant to effectively clean the casing of cement but of lower hardness than said rock cutting means." This distinguishes the claims over Quesenbury, which teaches that the cutting edges 4 and the guiding edges 6 are provided with buttons 5 and 7, respectively, and that both are made of tungsten carbide or other material that is highly resistant to abrasive wear." (col. 4, lines 45-51). Quesenbury contains no suggestion that the gauge buttons should be softer than the cutting buttons and it would not be obvious to modify the Quesenbury bit in that manner, as that would be directly contrary to the teachings of the reference.

Support for this limitation can be found in the paragraph beginning at the bottom of page 6 of the application, which reads, in part, "Furthermore, the protection member 12 is sufficiently wear-resistant to effectively clean the casing from undesired remains

such as cement, but is of a significantly lower hardness than the rock cutters 10. In this manner it is achieved that the protection member 12 quickly wears away during further drilling of the borehole with the drill bit 1 in order that the protection member 12 does not hamper such further drilling.”

For the foregoing reasons, Applicant respectfully requests that the rejection of claims 1-3 and 7-18 over Quesenbury be withdrawn.

In addition, Applicant respectfully traverses the Examiner’s rejection of claim 14, which requires that “the protection member is arranged on top of the gauge protection means at the radially outward side thereof.” This limitation corresponds explicitly with language in the specification, and relates to the embodiment shown in Figure 4, in which the protection member 12 is literally “on top of” the gauge protection means 14a. Quesenbury makes no teaching or suggestion of stacked devices and Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Rejection of claims 1, 4-7, 9, 17 and 19 as anticipated by US 2857141 to Carpenter

Applicant respectfully submits that amended claims 1 and 9, and therefore also the claims that depend from them, are allowable over Carpenter for the reasons set out above with respect to Quesenbury, namely that Carpenter contains no teaching or suggestion that would lead one of ordinary skill in the art to construct a tool in which the side or gauge cutters were designed to be softer than the end cutters.

Conclusion

Applicants believe that the present Response places the case in condition for allowance. If the Examiner has any questions regarding this case, he is encouraged to telephone the undersigned at (713) 241-1041.

Respectfully submitted,

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